

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

TRACY GERARD ALLEN, #129 732, )  
  )  
Plaintiff,                            )  
  )  
v.                                     )   CASE NO. 2:08-cv-465-WKW  
  )  
RICHARD ALLEN, *et al.*,        )  
  )  
Defendants.                         )

**ORDER**

This case is before the court on plaintiff's objection (Doc. # 4) to the Recommendation of the Magistrate Judge (Doc. # 3). After an independent and *de novo* review of the file in this case and upon consideration of the Recommendation and plaintiff's Objection, it is ORDERED that:

1.       The Objection to the Recommendation of the Magistrate Judge (Doc. # 4) is OVERRULED;
2.       The Recommendation of the Magistrate Judge (Doc. #3) is ADOPTED;
3.       This case is DISMISSED without prejudice;

An appropriate judgment will be entered.

DONE this 30th day of July, 2008.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE